

## **Subpoenas aim to find DeLay role with PAC**

Lawmaker's daughter included on long list of committee workers

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AUSTIN - A slew of subpoenas released Wednesday show Travis County prosecutors are trying to determine how deeply involved U.S. House Majority Leader Tom DeLay was in the possible criminal misuse of corporate funds in the 2002 legislative campaign.

Nearly 50 subpoenas - some issued Tuesday and others dating back to last October - were made public as part of the ongoing investigation into Texans for a Republican Majority, a political action committee formed by DeLay, R-Sugar Land.

The subpoenas seek testimony and documents from the committee's researchers, political consultants and fund-raisers, including DeLay's daughter, Danielle Ferro.

John Colyandro, director of the fundraising committee commonly referred to as TRMPAC, was subpoenaed to appear last month and bring "all documents concerning TRMPAC's past, present or intended relationship with Tom DeLay." Colyandro has said that all of TRMPAC's activities were legal.

Travis County District Attorney Ronnie Earle is investigating whether TRMPAC violated state law in using corporate funds to help 21 Republicans win Texas House seats in 2002, giving the GOP a House majority for the first time since Reconstruction.

DeLay, speaking to reporters in Washington this week, lashed out at Earle, who he said was trying to "criminalize politics."

"The district attorney has a long history in being vindictive and partisan. He did it to (Republican U.S. Senator) Kay Bailey Hutchison and lost that case. He's done it to other people and only to get press and he doesn't even follow through and file charges," DeLay said.

Earle, a Democrat, said he has investigated 15 elected officials in the past, ranging from liberal Democratic Attorney General Jim Mattox to Hutchison, both cases he lost. He said in every investigation he has faced accusations that he is politically motivated.

"Being called partisan and vindictive by Tom DeLay is like being called ugly by a frog," Earle said.

State law allows political action committees to use corporate funds for administrative expenses such as utilities or accounting fees, but it is a third-degree felony, punishable by up to 10 years in prison, to use corporate money for direct political activities.

TRMPAC used corporate money to pay for fund-raising, phone banks, staff salaries, research and issue development in conjunction with the campaigns.

TRMPAC officials claim the corporate expenditures were administrative, but Earle's probe is directed toward proving the money was prohibited political spending.

Several of the subpoenas reached into the Houston area. Continental Airlines was asked last December to provide documents related to its "commitment to provide \$15,000 in airfare" to TRMPAC.

"It would be inappropriate for us to comment on any ongoing investigation at this time," Ned Walker, a Continental spokesman, said Wednesday.

Records also were sought from Willie G's Seafood restaurant for contracts and invoices between the restaurant and Ferro or TRMPAC.

And a Houston political consultant was subpoenaed in connection with his investigation into three legislative candidates.

Gregg Cox, head of the public integrity unit in Earle's office, said the subpoenas had already been served and complied with, and are required to be released at some point.

"We filed all we could file that did not impede our investigation," said Cox.

Cox said subpoenas from a related investigation into whether the Texas Association of Business illegally used corporate money in connection with the same races weren't filed because their release might impede the investigation. The TAB has denied any wrongdoing.

The large number of subpoenas shows the breadth of the investigation, Cox said.

"We are looking into all aspects of TRMPAC raising corporate dollars and spending corporate dollars. They raised a lot and spent a lot," said Cox.

He said records from several restaurants where TRMPAC held events are needed to determine the nature of the expenses.

Also subpoenaed was Warren Robold, a Washington-based fund-raiser for TRMPAC and Americans for a Republican Majority, another DeLay political action committee.

The subpoenas also seek correspondence between TRMPAC and Tom Craddick during the time he was running for speaker of the Texas House.

Craddick has come under scrutiny for his role in delivering \$152,000 in TRMPAC funds to 14 House candidates.

Last week, the grand jury subpoenaed records from Craddick and six state representatives who served in House leadership roles. Craddick has denied being anything more than a middleman and said the money was not used to obtain promises of votes for him in his speaker's race.

Among the newer subpoenas was one issued Tuesday to Houston political consultant Allen Blakemore, who was ordered to provide records next week related to his contacts in 2002 with TRMPAC, Texans for Lawsuit Reform and Mike Toomey, then a lobbyist for the Houston-based lawsuit reform group. Toomey now is chief of staff to Gov. Rick Perry.

Blakemore said there was nothing unusual in Toomey hiring him to employ a private investigator to conduct background checks on Democratic House candidates Debra Danburg of Houston, D.L. "Donnie" Jarvis of Sherman and Danny Duncan of Commerce in September 2002. Blakemore said it was a public records search.

"It's not looking through somebody's window or looking through trash," Blakemore said.

Houston private investigator Kenny Rodgers charged \$4,412.53 for the investigation.

Blakemore said he did not ask Toomey why he wanted the information, but assumed it was to help clients make a decision on whether they should make contributions in particular races.

"It's part of my business to handicap races and give them information," Blakemore said.

Danburg and Duncan are among the losing candidates who are suing TRMPAC, seeking damages by accusing the committee of violating state campaign law.

Perry said Wednesday he was not concerned about Toomey's previous political activities.

"Day in and day out, politics in Texas is rather full-body contact," Perry said.

Matt Welch, political director for TLR, also was subpoenaed last year. The lawsuit group targeted the same 24 races targeted by TRMPAC and the business association.

During the 2003 legislative session, major restrictions on lawsuits were passed. After a series of special sessions, lawmakers redrew congressional district lines, a major goal of DeLay.

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